IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.3020 OF 2004

Smt. Archana Rajkumar Gupta. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. S. P. Kanuga for the Petitioner.
Mr. A. Sayed, AGP for Respondent No.1 to 3.
Mr. H. Toor with Mr. S.B. Pawal i/b. S. K. Legal & Asso. for Respondent No.4.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

November 5, 2004.

P.C.:

The petitioner has challenged the order dated 14th October 2004. By this order, the Minister has allotted the Rationing Shop to Smt. Varsha Anand Lokhande, Respondent No.4. The Minister has carefully considered various applications including those of Petitioner and Smt. Varsha Anand Lokhande. In the order dated 14th July 2004, passed by the Controller of Rationing and Administrator of Civil Supplies, Mumbai, it is mentioned that Smt. Varasha Anand Lokhande is an educated unemployed woman and has submitted a caste certificate in which it is indicated that she belongs to Scheduled Tribe, whereas the Petitioner is from

open category. The location of the premises has also been dealt with in this order. According to that the premises of Smt.Varsha Lokhande is situated inside about 15 to 20 feet from the main road, whereas the premises of the Petitioner is located 40 to 50 feet inside the lane. The Petitioner pointed out that on the basis of the detailed description given by the Controller regarding Smt. Meena Omprakash Pandey whose premises are adjoining to that of the petitioner and it is mentioned that the structure is inside by 40 – 50 ft. having narrow road, hence not convenient to the cardholders. The main factor perhaps weighed with the Minister was that Smt.Varsha Lokhande belongs to Scheduled Tribe. The view taken by the Minister, by no stretch of imagination can be said to be perverse where it is imperative for us to interfere under our extra-ordinary jurisdiction. The petition being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.